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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,572	05/14/2004	Itzhak Bentwich	050992.0202.01USCP	3571
37808	7590	05/06/2008		
ROSETTA-GENOMICS c/o PSWS 700 W. 47TH STREET SUITE 1000 KANSAS CITY, MO 64112			EXAMINER WOLLENBERGER, LOUIS V	
			ART UNIT 1635	PAPER NUMBER
			MAIL DATE 05/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions/Status

Applicant's election of SEQ ID NO:159 in the reply filed 2/25/08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Also acknowledged are Applicant's Amendments to the claims. With entry of the Amendment, claims 25, 26, 29, 30, and 35-38 are pending. Applicant's amendment to claim 30, deleting references to all previously recited SEQ ID NOs except SEQ ID NO:6821380 is considered to represent constructive election of SEQ ID NO:6821380.

Sequence listing---Notice to Comply

While the previous Action, mailed 1/24/08, stated the objection to the disclosure because of an invalid sequence listing had been withdrawn, the Examiner has been informed by the Office's Electronic Information Center, which uploads sequence listings into the Supplemental Complex Repository for Examiners (SCORE), that the computer readable form (CRF) of the sequence listing submitted by Applicant on 12/3/07 is defective because the sequence listing does not comply with 37 CFR 1.824(a)(1), which states "The computer readable form shall contain a single "Sequence Listing" as either a diskette, series of diskettes, or other permissible media outlined in paragraph (c) of this section." (underline added).

In the instant case, the CRF submitted by Applicant on 12/3/07 comprises 63 separate files spread over 3 CDs. See CRF Problem Report, attached herewith. Pursuant

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to 37 CFR 1.824(a)(1), the CRF must be a single file, though the file may span multiple disks.

Thus, this application, which contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2), remains non-compliant with the requirements of 37 CFR 1.821 through 1.825.

Correction is required before examination on the merits can begin.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis Wollenberger whose telephone number is (571)272-8144. The examiner can normally be reached on M-F, 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James (Doug) Schultz can be reached on (571)272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Louis Wollenberger/
Examiner, Art Unit 1635
May 3, 2008